

**REPORT FOR: LICENSING AND
GENERAL PURPOSES
COMMITTEE**

Date of Meeting: 15 June 2010

Subject: INFORMATION REPORT – Non-Executive Decision: Action taken in accordance with Section 102(5) of the Local Government Act 1972

Responsible Officer: Hugh Peart – Director of Legal and Governance Services

Exempt: No

Enclosures: None

Section 1 – Summary

The Urgent Non-Executive Decision procedure, set out in Part 3 of the Council's Constitution, requires all decisions taken under the procedure to be reported to the appropriate Committee.

The Committee is requested to note the action taken under the Urgent Non-Executive Decision procedure as outlined in Section 2 below.

FOR INFORMATION

Section 2 – Report

2.1 Circumstances, including Policy Context

At its Annual Council meeting on 25 May 2010, the Council established the committees that will operate for the 2010/11 Municipal year and appointed members to those committees. There was a transitional period between the date of the election and the date of the Annual Council meeting during which the new committees had yet to be constituted when no non-urgent committee meetings could be scheduled.

It was, however, necessary to schedule some meetings between the elections on 6 May 2010 and Annual Council on 25 May 2010 where committee business was subject to statutory timescales. For example, in order to comply with the regulations on determining licensing applications, the Licensing Panel was required to meet prior to Annual Council.

It was also necessary to arrange meetings of the Education Admission & Awards Appeals, Personnel Appeals or Social Services Appeals Panels, if urgent business arose.

2.2 Background

Under Section 7 Local Government Act 1972, a member who is not re-elected, or who does not stand for re-election, retires on the fourth day after the ordinary day of election. Newly elected members come into office on the day on which their predecessors retire.

The four-day rule ensures continuity during changeover from retiring/defeated members to newly elected members. Where there is an all-out election and serving Councillors are returned, they never cease to be Councillors as their election takes effect before or contemporaneously with their retirement. In consequence, and in accordance with Section 102(5) Local Government Act 1972, it is possible for committees to continue to function provided there are enough continuing members to ensure meetings are quorate.

If neither the panel nor the parent committee (Licensing and General Purposes Committee) are quorate then consideration would need to be given to an urgent non-executive action. This action would need to make temporary member appointments to allow the panels to meet and ensure that statutory requirements are fulfilled.

2.3 Action proposed

Committee appointments are made for the municipal year – from one Annual Council to the next. In an election year, provided a councillor has been re-elected by the time they would otherwise have retired their status is preserved. It was therefore lawful for the 2009/10 committees to meet during the transitional period, provided that there were enough continuing members of that particular committee to ensure meetings are quorate.

The Non-Executive Action dated 8 April 2010 made provisions to:

(1) hold meetings, as necessary, of the following Panels of the Licensing & General Purposes Committee between 9th May 2010 and 25th May 2010 (the date of Annual Council):

- (i) Licensing Panels
- (ii) Personnel Appeals
- (iii) Social Services Appeals

(2) To arrange any other Committee or Panel meeting, such as, the Education Admission and Awards Advisory Panel, as appropriate.

2.4 Action Sought

To ensure that meetings were arranged only where it was necessary to transact urgent business in order to comply with statutory timescales.

Section 3 – Financial Implications

None

Section 4 – Corporate Priorities

- Build stronger communities

This report incorporates this Corporate Priority as it provides for Council Committees to meet and make decisions in accordance with statutory timescales.

Section 5 – Statutory Officer Clearance

Name: Steve Tingle on behalf of the
Chief Financial Officer

Date: 26 May 2010

Section 6 - Contact Details and Background Papers

Contact: Lysandra Dwyer, Acting Senior Democratic Services Officer, 0208 424 1264

Background Papers: Non- Executive Decision on Minor Matters form as reported.